

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Appellant:</b>	Spiegel	<b>Conf. No.:</b>	1094
<b>Serial No.:</b>	09/708,129	<b>Art Unit:</b>	2192
<b>Filing Date:</b>	11/07/2000	<b>Examiner:</b>	Rutten, James D.
<b>Title:</b>	METHOD, SYSTEM, AND COMPUTER PROGRAM PRODUCT FOR MAINTAINING SOFTWARE ON A COMPUTER SYSTEM WITH AUTOMATIC DEPENDENCY RESOLUTION	<b>Docket No.:</b>	END920000101US1 (IBME-0095)

Mail Stop Appeal Brief- Patents  
Commissioner for Patents  
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Alexandria, VA 22313-1450

**BRIEF OF APPELLANTS**

This is an appeal from the Final Rejection dated March 20, 2007, rejecting claims 1-20.  
This Brief is accompanied by the requisite fee set forth in 37 C.F.R. 1.17 (c).

**REAL PARTY IN INTEREST**

International Business Machines Corporation is the real party in interest.

**RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences.

## **STATUS OF CLAIMS**

As filed, this case included claims 1-18. Claims 1-18 remain pending. Claims 1-18 stand rejected and form the basis of this appeal.

## **STATUS OF AMENDMENTS**

No amendment has been submitted in response to the After Final Rejection filed by the Office on March 20, 2007.

## **SUMMARY OF THE CLAIMED SUBJECT MATTER**

The present invention provides a solution in which Software is maintained on a computer system. A software recording application having data on maintenance items already installed on the computer system is started in a host session. A database application is started in a second host session. The database application has a database of maintenance items which can be applied. Each item in the database includes prerequisite and corequisite items. A maintenance application is activated on the computer system and a list of maintenance items to be installed on the computer system is entered. The database is searched for prerequisite and corequisite items for each item on the entered list and those items are added to the list. Items on the list which have already been received are determined from the software recording application and those items not received are added to an order list. Items on the order list are ordered, received, and applied to the computer system.

Claim 1 claims a method of maintaining software on a computer system, comprising the steps of: bringing up first and second host sessions on a computer system (see e.g., page 7, line 10 through page 8, line 1; Fig. 1, item 12); starting in said first host session, a software recording

application having data on existing first maintenance items that have been previously applied to said computer system (see e.g., page 8, lines 2-12; Fig. 1, item 14); starting in said second host session, a database application having a database of all second maintenance items that are known as being able to be installed on the computer system, and prerequisite items and corequisite items corresponding to each of said known second maintenance items (see e.g., page 8, lines 13-22; Fig. 1, item 16); activating a maintenance application on said computer system (see e.g., page 8, line 23 through page 9, line ; Fig. 1, item 18); entering a first list of new third maintenance items in said maintenance application (see e.g., page 9, lines 6-13; Fig. 1 item 20); searching said database of known second maintenance items for records matching each of said new third maintenance items to find records that have said prerequisite items and corequisite items and adding said corresponding prerequisite items and corequisite items to said first list (see e.g., page 9, lines 6-13; Fig. 1 item 22); thereafter determining from said software recording application which items on said first list have already been received (see e.g., page 9, lines 14-23; Fig. 1 item 24), and adding those items not received to an order list (see e.g., page 9, lines 14-23; Fig. 1 item 24); and thereafter ordering, receiving, and applying said items on said order list (see e.g., page 9, line 24; Fig. 1 item 26).

Claim 9 claims a system for maintaining software on a computer system, comprising: means for bringing up first and second host sessions on a computer system (see e.g., page 7, line 10 through page 8, line 1; Fig. 2, item 110); a software recording application having data on existing first maintenance items previously applied to said computer system (see e.g., page 8, lines 2-12; Fig. 1, item 120); a database application having a database of all second maintenance items that are known as being able to be installed on the computer system, and prerequisite items and corequisite items corresponding to each of said known second maintenance items (see e.g.,

page 8, lines 13-22; Fig. 1, item 130); a maintenance application having a first list of new third maintenance items, wherein the first list comprises a list of maintenance items needed to be applied to said computer system (see e.g., page 9, lines 6-13; Fig. 1 item 20); means for searching said database of known second maintenance items for records matching each of said new third maintenance items to find records that have said prerequisite items and corequisite items and adding said corresponding prerequisite items and corequisite items to said first list (see e.g., page 9, lines 6-13; Fig. 2 item 140); means for thereafter determining from said software recording application which items on said first list have already been received (see e.g., page 9, lines 6-13; Fig. 2 item 140), and adding those items not received to an order list (see e.g., page 9, lines 6-13; Fig. 2 item 140); and means for thereafter ordering, receiving, and applying said items on said order list (see e.g., page 9, line 24; Fig. 1 item 26).

Claim 17 claims a computer system for maintaining software, said system comprising: means for bringing up first and second host sessions on a computer system (see e.g., page 7, line 10 through page 8, line 1; Fig. 2, item 110); means for starting in said first host session, a software recording application having data on existing first maintenance items previously applied to said computer system computer (see e.g., page 8, lines 2-12; Fig. 1, item 120); means for starting in said second host session, a database application having a database of all second maintenance items that are known as being able to be installed on the computer system, and prerequisite items and corequisite items corresponding to each of said known second maintenance items (see e.g., page 8, lines 13-22; Fig. 2, item 130); means for activating a maintenance application on said computer system; means for entering a first list of new third maintenance items in said maintenance application (see e.g., page 9, lines 6-13; Fig. 1 item 20); means for searching said database of known second maintenance items for records matching

each of said new third maintenance items to find records that have said prerequisite items and corequisite items (see e.g., page 9, lines 6-13; Fig. 2 item 140) and adding said corresponding prerequisite items and corequisite items to said first list (see e.g., page 9, lines 6-13; Fig. 2 item 140); means for thereafter determining from said software recording application which items on said first list have already been received (see e.g., page 9, lines 6-13; Fig. 2 item 140), and adding those items not received to an order list (see e.g., page 9, lines 6-13; Fig. 2 item 140); and means for thereafter ordering, receiving, and applying said items on said order list (see e.g., page 9, line 24; Fig. 1 item 26).

Claim 18 claims a computer program product for instructing a processor to maintain software, said computer program product comprising: a computer readable medium; program instruction means for bringing up first and second host sessions on a computer system (see e.g., page 7, line 10 through page 8, line 1; Fig. 1, item 12); program instruction means for starting in said first host session, a software recording application having data on existing first maintenance items previously applied to said computer system (see e.g., page 8, lines 2-12; Fig. 1, item 14); program instruction means for starting in said second host session, a database application having a database of all second maintenance items that are known as being able to be installed on the computer system, and prerequisite items and corequisite items corresponding to each of said known second maintenance items (see e.g., page 8, lines 13-22; Fig. 1, item 16); program instruction means for activating a maintenance application on said computer system; program instruction means for entering a first list of new third maintenance items in said maintenance application (see e.g., page 9, lines 6-13; Fig. 1 item 20); program instruction means for searching said database of known second maintenance items for records matching each of said new third maintenance items to find records that have said prerequisite items and corequisite items (see

e.g., page 9, lines 6-13; Fig. 2 item 140) and adding said corresponding prerequisite items and corequisite items to said first list (see e.g., page 9, lines 6-13; Fig. 2 item 140); program instruction means for thereafter determining from said software recording application which items on said first list have already been received (see e.g., page 9, lines 6-13; Fig. 1 item 22), and adding those items not received to an order list; (see e.g., page 9, lines 6-13; Fig. 1 item 22) and program instruction means for thereafter ordering, receiving, and applying said items on said order list; and wherein all said program instruction means are recorded on said medium (see e.g., page 9, line 24; Fig. 1 item 26).

Claim 19 claims a method for maintaining software on a computer system, the method comprising: bringing up in a first session system (see e.g., page 7, line 10 through page 8, line 1; Fig. 1, item 12) on the computer system a recording application for recording what software has been put on the computer system, tracking what software has been put on the computer system, recording what software has been taken off the computer system, and recording what software has been cloned; recording by the recording application whether a first maintenance item has been received by the computer system, the first maintenance item having been received if the first maintenance item has been stored in a file on the computer (see e.g., page 8, lines 2-12; Fig. 1, item 14); starting in a first session on the computer system a database application having a searchable database of all second maintenance items that are known as being able to be installed on the computer system, and corresponding prerequisite items, corequisite items, descriptions of known problems, and mentions of known fixes (see e.g., page 8, lines 13-22; Fig. 1, item 16); activating a maintenance application on the computer system; entering into the maintenance application a list of third maintenance items needed to be put on to the computer system (see e.g., page 9, lines 6-13; Fig. 1 item 20); searching for each third maintenance item in the list of the

database of known second maintenance items to find records that have prerequisite items and corequisite items that correspond to a third maintenance item (see e.g., page 9, lines 6-13; Fig. 1 item 22); adding any found prerequisite and any found corequisite items from the searching step to the list (see e.g., page 9, lines 6-13; Fig. 1 item 22); comparing each member of the list to recorded first maintenance items to determine which members of the list have not been received, not received members having not been found in the recorded first maintenance items (see e.g., page 9, lines 6-13; Fig. 1 item 22); storing in an order list the results of the comparing step (see e.g., page 9, lines 6-13; Fig. 1 item 22); ordering using the maintenance application all members in the order list; receiving received items as a result of the ordering step; and applying the received items by at least one of installing a received item and updating an earlier version with the received item (see e.g., page 9, line 24; Fig. 1 item 26).

#### **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

1. Claims 1-20 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite.
2. Claims 1, 3-9, 11-18 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stupek et al. (U.S. Patent No. 5,960,189), hereafter “Stupek,” in view of Taylor (U.S. Patent No. 5,721,824), hereafter “Taylor.”
3. Claims 2 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stupek and Taylor and further in view of “Y2K Compliance and the Distributed Enterprise” by Gowen et al., hereafter “Gowen.”
4. Claims 6 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stupek and Taylor and further in view of “IMS/ESA Sysplex Data Sharing: An Implementation Case Study” by Boyle *et al.*, hereafter “Boyle.”

5. Claim 19 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Stupek and Taylor and further in view of IBM SMP/E as allegedly described on page 8 of the originally filed specification, hereafter “SMP/E.”

## **ARGUMENT**

### **1. REJECTION OF CLAIMS 1-20 UNDER 35 U.S.C. §112**

The Office has asserted that claims 1-20 do not satisfy the written description requirement and are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office objects to the use of its own suggested interpretation of the limitation (see e.g., October 4, 2006 Office Action), *to wit*, “database of all second maintenance items that are known as being able to be installed.” Appellant submits that this limitation is explicitly supported, *inter alia*, by Appellant’s original specification (page 8, lines 13-22) and implicitly by the searching of the database for prerequisite items and corequisite items corresponding to each maintenance item of the list entered in step 20. Page 9, lines 6-9. Specifically, the fact that the database is searched to obtain information about the maintenance items being installed on the computer system indicates that the database is a master database of data items known to be installable on the computer system.

As further indication of the global nature of the database, Applicant points out the difference in the specification between the definition of second maintenance items and that of third maintenance items. Specifically, the specification teaches that the list of third maintenance items “...may be a list of maintenance items needed to be put on to the computer system.” Page 9, lines 1-2. In contrast, the definition of second maintenance items in the specification recites “[t]he database application has a database of second maintenance items known as PTF [Program



Temporary Fixes].” Page 8, lines 14-15.

To this extent, the definition of second maintenance items of the claimed invention does not have the limitation of that of the third maintenance items, that is, that they may be part of an upgrade package. Under common rules of construction, since the limitation that is explicitly included in the definition of third maintenance items is not included in the definition of second maintenance items, the definition of second data items specifically excludes the limitation that it includes only those that are part of a particular upgrade package. Thus, Applicant is justified in indicating the global nature of the database in the claims to distinguish the second maintenance items from the third maintenance items that may be needed to be put on to the computer system. Accordingly, Applicant requests that the rejection be withdrawn.

The Office also objects to the limitation “...wherein the database is stored on a different medium than the maintenance application,” of claim 20. Appellants respectfully submit that this limitation is supported, *inter alia*, by page 7, lines 13-15. Accordingly, Appellants respectfully assert that the rejection is without merit.

## **2. REJECTION OF CLAIMS 1-20 UNDER 35 U.S.C. §103(a)**

Appellants respectfully submit that the rejection of claims 1-20 under 35 U.S.C. 103(a) are defective.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim

limitations. Appellants respectfully submit that the Benson and Mooney references, taken alone or in combination, fail to meet each of the three basic criteria required to establish a *prima facie* case of obviousness. As such, the rejection under 35 U.S.C. §103(a) is defective.

In the above referenced Final Office Action, the Examiner alleges that Stupek teaches or suggests starting in said second host session, a database application having a database of all second maintenance items that are known as being able to be installed on the computer system. In support, the Office cites passages of Stupek that teach

In addition to the resource upgrades 7, the CD-ROM contains an upgrade database 9, which stores information *about each of the upgrade packages 6* (e.g., name and location of the package *on the CD-ROM*, description of the upgrades, and instructions for installation of the package to the server), and the individual upgrade objects 8 within each package 6. If the upgrades 7 are provided by an on-line service, the upgrade database 9 will also be provided by the service. Col. 3, lines 44-52, *emphasis added*.

and

The database contains information regarding the dependencies between the package and other upgrade objects or packages. Col. 7, lines 8-10.

Interpreting Stupek solely for the purpose of this response, the upgrade information in the upgrade database of Stupek only concerns the particular upgrade packages that are included on the installation medium, such as the CD-ROM. To this extent, if the upgrade packages of Stupek were, for example, those included in Microsoft Office™, e.g. Microsoft Word™, Microsoft Excel™, Microsoft Access™, etc., the upgrade database of Stupek would not necessarily contain information about non-upgrade package applications, such as, for example, Lotus Notes™.

As such, the upgrade database of Stupek is specifically adapted to the particular application or applications being installed and not of a global nature. To this extent, the upgrade database of Stupek cannot be said to include information regarding all upgrade packages that are known as being able to be installed on the computer system. .To this extent, as stated above,

database of the second maintenance items of the claimed invention is not limited to data regarding each upgrade package as are the database items of Stupek, but instead is a master database of all maintenance items known to be able to be installed on the system. As such, Stupek does not teach that the database has such a global nature.

The claimed invention, in contrast, includes "...a database application having a database of all second maintenance items that are known as being able to be installed on the computer system, and prerequisite items and corequisite items corresponding to each of said known second maintenance items." Claim 1. As such, the known second maintenance items in the database as included in the claimed invention are not limited, as in Stupek, to data respecting a particular upgrade package, but instead the database includes all second maintenance items that are known as being able to be installed on the computer system, whether the known second maintenance items are included in a particular upgrade package or not. For the above reasons, the upgrade database in Stupek is not taught or suggested by the database that includes known second maintenance items as included in the claimed invention. Taylor does not cure this deficiency.

In the above referenced Final Office Action, the Examiner alleges that Stupek teaches or suggests searching said database of known second maintenance items for records matching each of said new third maintenance items to find records that have said prerequisite items and corequisite items. The Office equates the first list of new third maintenance items of the claimed invention with the "upgrades to the network resources [that] are provided to a service by a distribution medium (not shown), such as a CD-ROM" of Stupek. Office Action, page 6. The Office then attempts to equate the database of known second maintenance items of the claimed invention with the upgrade database. Office Action, page 7. However, the upgrade database of Stupek is specified as being contained on the CD-ROM. Col. 3, lines 44-50. As such, the

upgrade database is included in the upgrades to the network resources that are provided by the distribution medium of Stupek and are not a separate component. Col. 3, lines 31-33, lines 44-45, lines 50-52. Under this scenario, a search of the database of known second maintenance items for records matching each of said new third maintenance items as included in the claimed invention would have the upgrade database of Stupek being searched by the upgrades, which also include the upgrade database.

Furthermore, Stupek never teaches that the “upgrades” are searched specifically to find records that have prerequisite items and/or corequisite items. Specifically, Stupek does not explicitly teach that the upgrade database is searched using a separate list of new upgrades for items having dependency information. Instead, the retrieval of information taught in Stupek is limited to the following two comparisons: “...a) whether or not a particular upgrade package corresponds to a resource on the server, and b) whether or not the version number of the upgrade package matches the version number of the corresponding network resource.” Col. 4, lines 20-27. Thus, Stupek only reports or displays records that meet those comparisons, whether or not dependencies are present, and as such does not specifically search to find records that have dependency information. Col. 4, lines 20-25.

The Office, in its After Final Rejection, argues that providing a notification of dependency information implies a search for dependency information. Appellants respectfully disagree and state that the retrieval of information as taught in Stupek, which returns entire data records based on search conditions entirely unrelated to dependency information can provide a notification of dependency information without searching for the dependency information. Thus, even though dependency information may be included in the records that are found during the search for the above two comparisons and this dependency information may be used to perform

automatic upgrades, Stupek never teaches that the upgrade database is specifically searched for records that have the dependency information. In summary, Applicant submits that Stupek does not search for dependencies, but only for the factors that indicate the occurrence of a package upgrade independent of the presence or absence of dependencies and displays upgrade information whether or not these dependencies exist.

In the above referenced Final Office Action, the Examiner alleges that Taylor teaches or suggests entering a first list of new third maintenance items in said maintenance application and adding said corresponding prerequisite items and corequisite items to said first list. The Office admits that Stupek does not expressly disclose this feature. Office Action, page 10. Instead, the Office attempts to rely on Taylor, which teaches “[i]f the dominant package has a dependent package not already installed, the method constructs a trailer script process and an action list. The action list has action entries identifying dependent packages not previously installed.” To this extent, Taylor teaches creating an action list that identifies only dependent packages. Taylor, however, does not teach or suggest that dependent packages are added to the original list of items from which the dependent package was derived. In contrast, the claimed invention includes adding to the “...first list of new third maintenance items...” “...said corresponding prerequisite items and corequisite items.” Claim 1. As such, unlike Taylor, this step expressly adds prerequisite items and corequisite items that have been found in the database search to the original list of new third maintenance items (i.e., the items in the original upgrade package to be installed on the system). Neither Stupek nor Taylor teach this feature.

In the above referenced Final Office Action, the Examiner alleges that Stupek teaches or suggests thereafter ordering, receiving, and applying said items on said order list after the other steps have been completed. Instead, the retrieval of appropriate upgrade packages from the

distribution medium and supplying of the packages to the server upgrader of Stupek occurs at the outset. Nowhere does Stupek teach or suggest that this step occurs subsequent to the other steps. In contrast, the claimed invention includes "...thereafter ordering, receiving, and applying said items on said order list." Claim 1. As such, the ordering, receiving, and applying of the items on the order list of the claimed invention does not occur at the outset as in Stupek, but rather thereafter. Taylor does not cure this deficiency. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

**C. REJECTION OF CLAIMS 2 AND 10 UNDER 35 U.S.C. §103(a) OVER STUPEK, TAYLOR AND GOWEN**

Appellants herein incorporate the above enumerated arguments.

**D. REJECTION OF CLAIMS 6 AND 14 UNDER 35 U.S.C. §103(a) OVER STUPEK, TAYLOR AND GOWEN**

Appellants herein incorporate the above enumerated arguments.

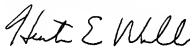
**E. REJECTION OF CLAIM 19 UNDER 35 U.S.C. §103(a) OVER STUPEK, TAYLOR AND SMP/E**

Appellants herein incorporate the above enumerated arguments.

## CONCLUSION

In summary, Appellants submit that claims 1-20 are allowable because the cited references, taken alone or in combination, fail to meet each of the three basic criteria required to establish a *prima facie* case of obviousness.

Respectfully submitted,



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## CLAIMS APPENDIX

### Claim Listing:

1. A method of maintaining software on a computer system, comprising the steps of:
  - bringing up first and second host sessions on a computer system;
  - starting in said first host session, a software recording application having data on existing first maintenance items that have been previously applied to said computer system;
  - starting in said second host session, a database application having a database of all second maintenance items that are known as being able to be installed on the computer system, and prerequisite items and corequisite items corresponding to each of said known second maintenance items;
  - activating a maintenance application on said computer system;
  - entering a first list of new third maintenance items in said maintenance application;
  - searching said database of known second maintenance items for records matching each of said new third maintenance items to find records that have said prerequisite items and corequisite items and adding said corresponding prerequisite items and corequisite items to said first list;
  - thereafter determining from said software recording application which items on said first list have already been received, and adding those items not received to an order list; and
  - thereafter ordering, receiving, and applying said items on said order list.
2. The method of claim 1, wherein said computer system is a mainframe.
3. The method of claim 1, wherein said computer system further comprises an operating system.



4. The method of claim 3, wherein said computer system further comprises network software.
5. The method of claim 1, wherein said software recording application tracks what software has been put on or taken off said computer system.
6. The method of claim 1, wherein said database application is Service Link.
7. The method of claim 1, wherein said receiving step further comprises storing said items on said order list in a file on said computer system.
8. The method of claim 1, wherein said applying step further comprises updating said software on said computer system with said items on said order list.
9. A system for maintaining software on a computer system, comprising:
- means for bringing up first and second host sessions on a computer system;
  - a software recording application having data on existing first maintenance items previously applied to said computer system;
  - a database application having a database of all second maintenance items that are known as being able to be installed on the computer system, and prerequisite items and corequisite items corresponding to each of said known second maintenance items;
  - a maintenance application having a first list of new third maintenance items, wherein the first list comprises a list of maintenance items needed to be applied to said computer system;
  - means for searching said database of known second maintenance items for records

matching each of said new third maintenance items to find records that have said prerequisite items and corequisite items and adding said corresponding prerequisite items and corequisite items to said first list;

means for thereafter determining from said software recording application which items on said first list have already been received, and adding those items not received to an order list; and

means for thereafter ordering, receiving, and applying said items on said order list.

10. The system of claim 9, wherein said computer system is a mainframe.

11. The system of claim 9, wherein said computer system further comprises an operating system.

12. The system of claim 9, wherein said computer system further comprises network software.

13. The system of claim 9, wherein said recording application tracks what software has been put on or taken off said computer system.

14. The system of claim 9, wherein said database application is Service Link.

15. The system of claim 9, further comprising means for storing said items on said order list in a file on said computer system.

16. The system of claim 9, further comprising means for updating said software on said computer system with said items on said order list.

17. A computer system for maintaining software, said system comprising:

means for bringing up first and second host sessions on a computer system;

means for starting in said first host session, a software recording application having data on existing first maintenance items previously applied to said computer system;

means for starting in said second host session, a database application having a database of all second maintenance items that are known as being able to be installed on the computer system, and prerequisite items and corequisite items corresponding to each of said known second maintenance items;

means for activating a maintenance application on said computer system;

means for entering a first list of new third maintenance items in said maintenance application;

means for searching said database of known second maintenance items for records matching each of said new third maintenance items to find records that have said prerequisite items and corequisite items and adding said corresponding prerequisite items and corequisite items to said first list;

means for thereafter determining from said software recording application which items on said first list have already been received, and adding those items not received to an order list; and

means for thereafter ordering, receiving, and applying said items on said order list.

18. A computer program product for instructing a processor to maintain software, said computer program product comprising:

a computer readable medium;

program instruction means for bringing up first and second host sessions on a computer system;

program instruction means for starting in said first host session, a software recording application having data on existing first maintenance items previously applied to said computer system;

program instruction means for starting in said second host session, a database application having a database of all second maintenance items that are known as being able to be installed on the computer system, and prerequisite items and corequisite items corresponding to each of said known second maintenance items;

program instruction means for activating a maintenance application on said computer system;

program instruction means for entering a first list of new third maintenance items in said maintenance application;

program instruction means for searching said database of known second maintenance items for records matching each of said new third maintenance items to find records that have said prerequisite items and corequisite items and adding said corresponding prerequisite items and corequisite items to said first list;

program instruction means for thereafter determining from said software recording application which items on said first list have already been received, and adding those items not received to an order list; and

program instruction means for thereafter ordering, receiving, and applying said items on said order list; and

wherein all said program instruction means are recorded on said medium.

19. A method for maintaining software on a computer system, the method comprising:

bringing up in a first session on the computer system a recording application for recording what software has been put on the computer system, tracking what software has been put on the computer system, recording what software has been taken off the computer system, and recording what software has been cloned;

recording by the recording application whether a first maintenance item has been received by the computer system, the first maintenance item having been received if the first maintenance item has been stored in a file on the computer system;

starting in a first session on the computer system a database application having a searchable database of all second maintenance items that are known as being able to be installed on the computer system, and corresponding prerequisite items, corequisite items, descriptions of known problems, and mentions of known fixes;

activating a maintenance application on the computer system;

entering into the maintenance application a list of third maintenance items needed to be put on to the computer system;

searching for each third maintenance item in the list of the database of known second maintenance items to find records that have prerequisite items and corequisite items that correspond to a third maintenance item;

adding any found prerequisite and any found corequisite items from the searching step to the list;

comparing each member of the list to recorded first maintenance items to determine which members of the list have not been received, not received members having not been found in the recorded first maintenance items;

storing in an order list the results of the comparing step;

ordering using the maintenance application all members in the order list;

receiving received items as a result of the ordering step; and

applying the received items by at least one of installing a received item and updating an earlier version with the received item.

20. The method of claim 1, wherein the database is stored on a different medium than the maintenance application.

## **EVIDENCE APPENDIX**

No evidence is entered and relied upon in the appeal.

## **RELATED PROCEEDINGS APPENDIX**

No decisions rendered by a court or the Board in any proceeding are identified in the related appeals and interferences section.